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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Mary Hosea-Mayo,

No. CV-23-00048-TUC-JCH

Plaintiff,

ORDER

V.

Banner Health Arizona,

Defendant.

On January 23, 2023, pro se Plaintiff commenced this action. Doc. 1.

On March 27, the Court ordered Plaintiff to pay the filing fee as required to bring a civil action. Doc. 6. Plaintiff complied. Doc. 7.

On September 13, the Court ordered Plaintiff to file written notice demonstrating good cause for her failure to serve the Complaint according to the Federal Rules of Civil Procedure. Doc. 8.

On October 17, Plaintiff requested an extension through November 14 to respond to the Court's show-cause order and to serve Defendant. Doc. 9. On October 18, the Court granted her request with respect to the show-cause order, but explicitly denied her request for an extension to serve Defendant. Doc. 10 at 2.

On November 21, Defendant filed a motion to dismiss. Doc. 11. Defendant alleges that Plaintiff served Defendant on November 2. Doc. 11 at 2.

Plaintiff has not responded to the Court's Order directing her to explain her failure to comply with the Federal Rules of Civil Procedure. *See generally* docket.

1 **I. Legal Standard**

2 Rule 4 of the Federal Rules of Civil Procedure provides in part that:

3 If a defendant is not served within 90 days after the complaint is filed, the
4 court--on motion or on its own after notice to the plaintiff--must dismiss the
5 action without prejudice against that defendant or order that service be made
6 within a specified time. But if the plaintiff shows good cause for the failure,
7 the court must extend the time for service for an appropriate period.

8 Fed. R. Civ. P. 4(m).

9 **II. Analysis**

10 Plaintiff failed to serve Defendant within 90 days after the Complaint was filed
11 because she filed the Complaint on January 23 and allegedly served the Complaint on
12 November 2. Plaintiff has not shown good cause for the failure, so the Court is not required
13 to extend the time for service.

14 The Court will exercise its discretion not to extend the time for service because
15 Plaintiff has disregarded the procedural rules twice and failed to comply with the Court's
16 show-cause order. Plaintiff first failed to pay the filing fee until the Court prompted her,
17 then failed to serve the Complaint until the Court prompted her. The second failure is
18 compounded by the fact that Plaintiff violated the Court's show-cause order by serving the
19 Complaint as well as by choosing not to file written notice demonstrating good cause. As
20 the Court previously explained, Plaintiff was given certain resources including the
21 *Handbook for Self-Represented Litigants*. *See* Doc. 8 at 2. If she decides to refile her
22 lawsuit, Plaintiff is advised to review those resources and ensure her compliance with the
23 procedural rules.

24 Accordingly,

25 **IT IS ORDERED DISMISSING WITHOUT PREJUDICE** this case. The Clerk
26 of the Court shall enter judgment accordingly.

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1 **IT IS FURTHER ORDERED DENYING AS MOOT** Defendant's Motion to
2 Dismiss (Doc. 11).

3 Dated this 22nd day of November, 2023.

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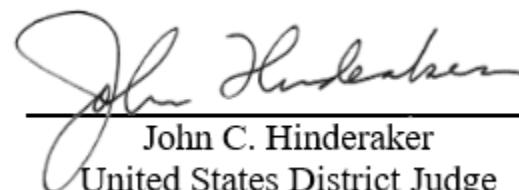
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John C. Hinderaker
United States District Judge